

Remarks

Claims 1-107 are currently pending in the Application.

Claims 1, 10, 15, 19, 33, 37, 51, 55, 64, 71, 78, 86, 88, 96, 98 and 106 have been amended to correct informalities (i.e. should).

Claim rejections

Examiner Item 4

Non statutory subject matter:

Claims 19-35: The Examiner rejects these claims as non statutory subject matter. Applicant respectfully disagrees and invites the Examiner's attention to the specification paragraph 65 which states a CCA-capable node as shown in figure 5 "includes a data processing system". Paragraph 61 describes nodes and CCA capable nodes as "running...instructions, typically in the form of software operating on a computer system or in the form of "hard coded" instruction set." While claim limitations are given their broadest reasonable interpretation, claims are interpreted consistent with the specification. Since the specification paragraphs 61 and 65 describe the nodes and CCA capable nodes as including a data processing system a reasonable interpretation of a node and a CCA capable node must acknowledge that such nodes include a data processing system generally understood as a computer - a physical apparatus; the claims are tied to a specific machine in compliance with In Re Bilski cited by the Examiner. Hence the claims are statutory subject matter. Allowance of the subject claims is respectfully requested.

Claims 37-54, 71-77, 98-107: The Examiner cites page 14 line 5 as evidence “that applicant intends a computer readable medium to include a transmission type media such as a signal”. Applicant respectfully requests the Examiner reconsider his rejection since the cited passage identifies “a computer readable medium such as an optical storage device, e.g., a compact disc (CD) or digital versatile disc (DVD), or a magnetic storage device such as a floppy disk or magnetic tape. Other, non-limiting examples of computer readable media include hard disks, read only memory (ROM), and flash-type memories.” None of the media listed above is a signal or a transmission type media. If the Examiner considers a magnetic tape as representing a transmission type media, the Applicant respectfully wishes to point out magnetic tape is just as physical as a floppy disk or flash-type memory. Perhaps the Examiner has another passage in mind in which case the Applicant respectfully requests the Examiner identify the correct passage or further explain how the cited physical media represent a non-physical signal.

Claims 55-63, 64-70, 71-77, 78-87, 88-97 and 98-107 are rejected as failing to comply with the statutory subject matter requirement of 35USC101. Applicant invites the Examiner’s attention to the discussion above for claims 19-35 which points out that nodes and CCA capable nodes include a data processing system. As such these claims, which include nodes and CCA capable nodes, also include a data processing system. Hence these claims are tied to a particular machine in compliance with In Re Bilski and are statutory subject matter. Allowance of these claims is respectfully requested.

Examiner Item 7

Claim rejection under 35USC103A have been obviated by amending the claims as follows.

Claims 1 has been amended to incorporate claims 12 and 14. Claims 2, 5, 8, 10, 13 and 15 have been amended to conform to claim 1. Claim 4, 7, 9, 11, 12 and 14 have been cancelled.

Claims 19 has been amended to incorporate claims 30 and 32. Claims 31 and 33 have been amended to conform to claim 19. Claim 22, 25, 27, 29, 30 and 32 have been cancelled.

Claims 37 has been amended to incorporate claims 48 and 50. Claims 38, 41, 44, 46, 49 and 51 have been amended to conform to claim 37. Claims 40, 43, 45, 47, 48 and 50 have been cancelled.

Claims 55, 56, 59 have been amended. Claims 58 and 61 have been cancelled.

Claim 64 has been amended. Claims 67 and 70 have been cancelled.

Claims 71, 72, and 75 have been amended. Claims 74 and 77 have been cancelled.

Claims 78 has been amended to incorporate claims 83 and 85. Claims 79, 81, 84, 86 and 88 have been amended to conform to claim 78. Claims 80, 82, 83, 85 and 90 have been cancelled.

Claims 91, 94, 96 have been amended. Claims 92, 93 and 95 have been cancelled.

Claims 98 has been amended to incorporate claims 103 and 105. Claims 99, 101, 104 and 106 have been amended to conform to claim 98. Claims 100, 102, 103 and 105 have been cancelled.

In view of the claim amendments Applicant respectfully asserts the subject claims are no longer obvious under 35USC103. Applicant respectfully requests allowance of all claims.

Conclusion

In view of the above, reconsideration and allowance of all the claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 50-3984. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 50-3984.

Respectfully submitted,

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